

EXHIBIT 5

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 JUSTIN GUY, individually and on
6 behalf of those similarly situated,
7 Plaintiff,

8 vs. Case No. 20-cv-12734-MAG-EAS
9 HON. MARK A. GOLDSMITH

10 ABSOPURE WATER COMPANY, LLC
11 a domestic limited liability company,
12 Defendant.
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16 The Deposition of DAVID SUJKOWSKI,
17 Taken in Carleton, Michigan,
18 Commencing at 4:05 p.m.,
19 Thursday, July 6, 2023,
20 Before Laurie R. Mayer, CSR-5385.
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1 REMOTE APPEARANCES:

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3 ANDREW R. FRISCH

4 8151 Peters Road, Suite 4000

5 Plantation, Florida 33324

6 (954) WORKERS

7 afrisch@forthepeople.com

8 Appearing on behalf of the Plaintiff.

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10 MICHAEL O. CUMMINGS

11 Cummings, McClorey, Davis & Acho, P.L.C.

12 1185 Avene of The Americas, Third Floor

13 (212) 547-8810

14 mcummings@cnda-law.com

15 N.Y. Bar No. 2701506

16 Appearing on behalf of the Defendant.

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1 next to it. Would that mean that you were only taking
2 that particular type of product for that following
3 day?

4 A. For that particular truckload, yes. You only have
5 that one product going on the truck.

6 Q. And for the list of the products there, you can review
7 them, could you say if -- which ones were or were not
8 typical for you to take?

9 A. I'm sorry. For the?

10 Q. List of documents. I believe some of them say DIS 3
11 gallon, and its product number is 600, 400, DIS 5
12 gallon. Do you see the list of products about the
13 middle of the page on the left?

14 A. Yes.

15 Q. Which of these products can you say were typical or
16 not typical for you to take on any given day?

17 A. All of them --

18 MR. FRISCH: Objection, vague, but you can
19 answer.

20 A. All of them were standard products, and I do recognize
21 all of them, and I would typically deliver them, yes.

22 BY MR. CUMMINGS:

23 Q. Okay. All right. I will stop sharing the screen at
24 the moment. And, Mr. Sujkowski, how was your pay
25 determined or calculated that you received from

1 Absopure?

2 A. We received a daily rate, and if our commissions
3 exceeded that daily rate, then we would earn money on
4 commission.

5 Q. And do you know how the commission was calculated?

6 A. It was based on a percentage of how much product we
7 delivered.

8 Q. I'm going to put another document on the screen for
9 you shortly, and give me a minute. I will try to find
10 a relatively clear example of one. I am putting on
11 the screen a page of a document. The whole document
12 in particular bears Bates numbers 5044 through 5095.
13 This particular page, I will scroll down. It has the
14 Bates number 5067. And, Mr. Sujkowski, can you see
15 this document?

16 A. Yes, I can.

17 Q. Can you recognize the document?

18 A. I would say that, yes, I do recognize it, yes.

19 Q. Is there a name that you have referred to this
20 document by?

21 A. Nothing that I can recall, no.

22 Q. And what is the document showing?

23 A. I would -- it appears to be showing total commission
24 earned, total pay earned, for the week of 8/2 to
25 8/6/2021.